

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TRANSMITTAL

Applicants: Peter Paul Zilla et al.

Examiner: Phan, Hieu

Serial Number: 10/627,114

Group Art Unit: 3738

Filed: July 25, 2003

Docket: P-8794.05 C2

Title: **Transmural Concentric Multilayer Ingrowth Matrix Within Well-Defined Porosity**

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this correspondence and the paper(s), as described herein, are being deposited with the U.S. Postal Service, as first class mail, addressed to Mail Stop Non-Fee Amendment, P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22313-1450 on this 3 day of November, 2005.

Juanita I. Trauffer
 Juanita I. Trauffer

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Response Transmittal
☒ Response to Notice of Non-Compliant Amendment (37 CFR 1.121)
☒ "Amendments to the Claims" section (1-3pp) to Complete Previous Response mailed July 7, 2005
☒ Return Postcard

FEE CALCULATION

CLAIM AMENDMENT(S)	Claims Remaining After Amendment	Highest Number Previously Paid For	Add'l Claims	Rate	Fee
Total Claims	17 -	20 =		x 50	\$00.00
Independent Claims	1 -	3 =		x 200	\$00.00
Multiple Dependent Claims	No			+ 360	\$
TOTAL					\$00.00

— Applicant hereby petitions for a _____ month extension of time in the prior application. If an additional extension of time is required, please consider this a petition therefor;

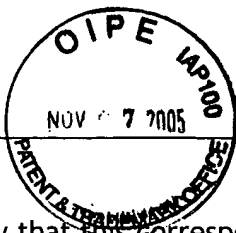
— Charge Deposit Account No. 13-2546 the sum of \$_____.

☒ Please charge any additional fees or credits to Deposit Account No. 13-2546 that may have been overlooked in this Response Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

☒ Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefore to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Nov. 3, 2005
 Date

David P. Ruschke
 David P. Ruschke, Reg. No. 40,151
 Customer Number 27581
 Telephone: (763) 505-2913



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

Medtronic Inc.

By Juanita I. Traufler
Juanita I. Traufler

Date Nov. 3, 2005



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Paul Zilla et al.)
)
Serial No. : 10/627,114)
) Group Art Unit:
Filed : July 25, 2003) 3738
)
For : Transmural Concentric Multilayer Ingrowth) Examiner:
Matrix Within Well-Defined Porosity) Phan, Hieu
)
Docket No. : P-8794.05 C2)

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

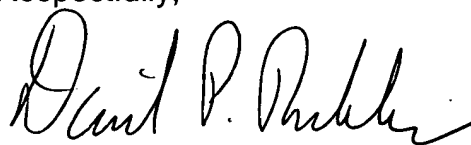
On July 7, 2005, Applicants filed their Response to the April 7, 2005 Office Action in the application identified above. As part of that Response, Applicants provided copies of the Preliminary Amendment and of the Transmittal filed on July 25, 2003 to clarify which claims were pending in the application. Applicants' previous attorney, who filed the Preliminary Amendment, failed to provide a complete listing of claims with the status identifiers when he filed the Preliminary Amendment on July 25, 2003.

Applicants assume that that failure is the reason for the Notice of Non-Compliant Amendment mailed October 3, 2005, because no amendments to the claims were made in the Applicants' Response filed July 7, 2005 to the April 7, 2005 Office Action, and hence, no listing of claims was required to be filed therewith.

Included with this Response is the section entitled "Amendments to the Claims," providing a complete listing of the claims, that will replace all prior versions of the claims in the application, with each claim marked with an appropriate status identifier in accordance with 37 C.F.R. §1.121, and which should have been included with the Preliminary Amendment filed July 25, 2003. As per the Notice of Non-Compliant Amendment, only the corrected section of the non-compliant document, i.e., the "Amendments to the Claims" section, needs to be resubmitted with this Response to Notice of Non-Compliant Amendment. Applicants' previous Response mailed July 7, 2005, including the Terminal Disclaimer filed therewith, is not being resubmitted at this time.

Applicants believe that the application is now in condition for allowance. If any further matters remain outstanding, the Examiner is encouraged to call the attorney identified below to expedite their handling.

Respectfully,



11/3/05

David P. Ruschke
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